

03500.016270.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: M. Prenty

TAKAHARU KONDO, et al.

Group Art Unit: 2822

Application No.: 10/092,617

Filed: March 8, 2002

For: SEMICONDUCTOR ELEMENT,  
AND METHOD OF FORMING  
SILICON-BASED FILM

April 24, 2003

Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated April 1, 2003 (Paper No. 8), Applicants provisionally elect to prosecute the Group I claims, namely Claims 1 to 24 and 46 to 69. The requirement to restrict, however, is traversed.

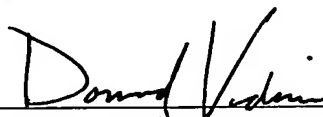
Traversal is on the ground that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP § 808 makes it clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application. Although it is true that Group I claims a device while Group II claims a method, and that the Group II method could be used to make a device different from that claimed in Group I, it is nevertheless believed that the two groups of claims are not so unrelated as would

require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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